

10- R -0192

Entered - 12/16/09 - sb
CL - 09L1022 - Angelena Kelly

Claim of: Stephen Mitchell, III
101 Retreat Point
Peachtree City, GA 30269

For damages alleged to have been sustained as a result of driving
over a pothole on October 13, 2009 at Interstate 85 South
entrance ramp at Piedmont Road.

THIS ADVERSED REPORT IS APPROVED

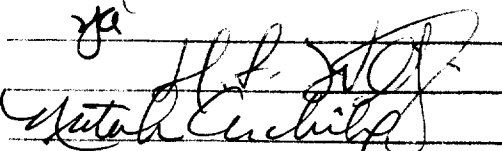
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/26/10

CHAIR: 


H. L. SMITH

FEB 01 2010

ADVERSED BY
CITY COUNCIL

FEB 01 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6030
FAX (404) 658-6273

February 9, 2010

Mr. Stephen Mitchell
101 Retreat Point
Peachtree City Georgia 30269

10-R-0192

Dear Mr. Mitchell

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,


Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L01022

Date: December 23, 2009

Claimant /Victim: Stephen Mitchell, III

BY:(Atty)(Ins. Co.)

Address: 101 Retreat Point, Peachtree City, GA 30269

Subrogation: Claim for Property damage \$ 1,152.90 Bodily Injury \$

Date of Notice: 12/9/09 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 10/13/09 Place: Interstate 85 South ramp at Piedmont Road

Department: Bureau: Office:

Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his vehicle sustained damage when he drove over a pothole at the above location. However, the investigation determined that this location is maintained by the state and has been forwarded to the Georgia Department of Transportation for handling. The claimant has been advised to pursue his claim with the Georgia Department of Transportation.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation

Claims Manager:  Concur/date 01/07/10

Committee Action: Council Action

**COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK**

City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RECEIVED
OFFICE OF
MUNICIPAL CLERK
48 12/17/09
2009 DEC - 9 10:22

RE: CLAIM FOR DAMAGES

Today's Date: 11-30-09

**ENTERED - 12-16-09 - SB
09L1022 - A. KELLY**

Kelly
12/15/09
R

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 1152.90 property and/or \$ 5 bodily injury for which I contend the City is liable.

1. Date of incident: 10-13-09 2. Time of incident: 6:15 PM 3. Police called: no
4. Location of incident (including street address): @ 2170 Piedmont St/ I-85 on ramp
5. Name of your insurance company: Greco Policy No. 409685934
6. State what and how incident occurred: Heard south bound on Piedmont, coming from the S. side, entered I-85 SB on ramp access. Left front hit merge bar, I-P 2 next to exit. I immediately felt hand damage to right front.
7. **ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!**
8. **The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.**
Your vehicle: VW 2004 / 4P0047 / Stephen F. Mitchell III
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: _____
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. **Claims must be received within 6 months from the date of the event.**

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Stephen F. Mitchell III

Stephen F. Mitchell III
(Print Claimant's Name)

101 Retreat Point
(Address)

Prichard City, GA 30269
(City, State and Zip Code)

72-401-4725 / 72-624-1741
(Work Number) (Home Number)

10- R -0192

* please note I'm looking for a ref only for parts & labor per pics. Damage to be I hope damage can be fixed with this

RCS# 42
2/01/10
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		02-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0118	36. 10-R-0182	
2. 10-O-0119	37. 10-R-0183	
3. 10-O-0120	38. 10-R-0184	
4. 10-O-0121	39. 10-R-0185	
5. 10-O-0122	40. 10-R-0186	
6. 10-O-0123	41. 10-R-0187	
7. 10-O-0126	42. 10-R-0188	
8. 10-O-0127	43. 10-R-0189	
9. 10-O-0128	44. 10-R-0190	
10. 10-O-0129	45. 10-R-0191	
11. 10-O-0220	46. 10-R-0192	
12. 10-O-0221	47. 10-R-0193	
13. 10-O-0057	48. 10-R-0194	
14. 10-O-0135	49. 10-R-0195	
15. 10-R-0134	50. 10-R-0196	
16. 10-R-0162	51. 10-R-0197	
17. 10-R-0227	52. 10-R-0198	
19. 10-R-0164	53. 10-R-0199	
20. 10-R-0165	54. 10-R-0200	
21. 10-R-0166	55. 10-R-0201	
22. 10-R-0169	56. 10-R-0202	
23. 10-R-0170	57. 10-R-0203	
24. 10-R-0171	58. 10-R-0204	
25. 10-R-0222	59. 10-R-0205	
26. 10-R-0228		
27. 10-R-0173		
28. 10-R-0174		
29. 10-R-0175		
30. 10-R-0176		
31. 10-R-0177		
32. 10-R-0178		
33. 10-R-0179		
34. 10-R-0180		
35. 10-R-0181		